



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ALFRED M. WALKER
225 OLD COUNTRY ROAD
MELVILLE NY 11747-2712

COPY MAILED

OCT 27 2006

In re Application of	:	OFFICE OF PETITIONS
WILHELM	:	
Application No. 10/779,291	:	DECISION ON PETITION
Filed: February 13, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. NEXTEK-BALLAST-CON	:	

This is a decision on the petition under 37 CFR 1.313(c), filed October 20, 2006, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

(1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;

(2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or

(3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

The Request for Continued Examination (RCE) fee has been paid. However, the RCE itself has **not** been received in addition to the Petition to Withdraw from Issue fee of \$130.00.

For the reason(s) stated above, the petition under 37 CFR 1.313(c) cannot be granted.

Petitioner is reminded that the filing of any renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. *Note* 37 CFR 1.313(d). It is recommended that the facsimile number listed below be used to file the renewed petition.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: **(571) 273-0025**
 Office of Petitions

Any questions concerning this matter may be directed to Monica A. Graves at (571) 272-7253.


Frances Hicks
Petitions Examiner
Office of Petitions